

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

FILED

JUN 16 2020

UNITED STATES OF AMERICA

v.

JANMICHAEL VINCENT LINGO and
BRAXTON E. GAITOR

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)
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)

2:20-CR-33
JUDGE GREER

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

TO BE SEALED

FIRST SUPERSEDING INDICTMENT

COUNT ONE

The Grand Jury charges that from on or about November 2018, until December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly rent, use, or maintain 613 Montgomery Street, Johnson City, Tennessee 37604 for the purpose of distributing and using a detectable amount of oxycodone, a Schedule II controlled substance and marijuana, a Schedule I controlled substance.

[18 U.S.C. § 856(a)(1)]

COUNT TWO

The Grand Jury further charges that from on or about November 2018, up to and including December 27, 2019, in the Eastern District of Tennessee and elsewhere, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together with each other and with other persons both known and unknown to the grand jury to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

[21 U.S.C §§ 846 and 841(b)(1)(D)]

COUNT THREE

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly, intentionally, and without authority possess with the intent to distribute a detectable amount of oxycodone, a Schedule II controlled substance.

[21 U.S.C. §§ 841(a)(1), (b)(1)(C)]

COUNT FOUR

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly possess a firearm, namely, a Ruger, Speed Six, .357 revolver in furtherance of the drug trafficking offense as charged in Count Three, in violation of Title 21 United States Code, § 841(a)(1), which is hereby incorporated by reference.

[18 U.S.C. §924(c)(1)(A), and *Pinkerton v. United States*, 328 U.S. 640 (1946)(Pinkerton liability)]

COUNT FIVE

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR did knowingly possess a firearm, namely, a Harrington and Richardson Topper model 58, 20 GA short barrel shotgun in furtherance of the drug trafficking offense as charged in Count Three, in violation of Title 21 United States Code, section 841(a)(1), which is hereby incorporated by reference.

[18 U.S.C. §924(c)(1)(A) and (i), and *Pinkerton v. United States*, 328 U.S. 640 (1946)(Pinkerton liability)]

COUNT SIX

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did, knowingly, intentionally, and without authority possess with the intent to distribute a quantity of a mixture and substance containing a detectable amount of cocaine base (crack), a Schedule II controlled substance.

[21 U.S.C. §841(a)(1), (b)(1)(C)]

COUNT SEVEN

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly, intentionally, and without authority possess with the intent to distribute a quantity of a mixture and substance containing tetrahydrocannabinols (THC) , a Schedule I controlled substance.

[21 U.S.C. §841(a)(1), (b)(1)(D)]

COUNT EIGHT

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendant, JANMICHAEL VINCENT LINGO, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possesses a firearm, namely, a Ruger, Speed Six, .357 revolver, which had been shipped and transported in interstate commerce.

[18 U.S.C. §922(g)(1)]

COUNT NINE

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendant, JANMICHAEL VINCENT LINGO, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm, namely, a Harrington and Richardson, Topper model 58, 20 GA, short barrel shotgun, which had been shipped and transported in interstate commerce.

[18 U.S.C. §922(g)(1)]

COUNT TEN

The Grand Jury further charges that on or about December 27, 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly possess a firearm, namely, a Harrington and Richardson Topper model 58, 20 GA short barrel shotgun, which is not registered to him or her in the National Firearms Registration and Transfer Record as required by Chapter 53, Title 26, United States Code.

[18 U.S.C. §§ 5822, 5861(d), and 5871]

COUNT ELEVEN

The Grand Jury further charges that on or about December , 2019, within the Eastern District of Tennessee, the defendants, JANMICHAEL VINCENT LINGO and BRAXTON E. GAITOR, did knowingly rent, use, or maintain 613 Montgomery Street, Johnson City, Tennessee. 37604 for the purpose of distributing and using a detectable amount of cocaine base (crack), a Schedule II controlled substance.

[18 U.S.C. § 856(a)(1)]

COUNT TWELVE

The Grand Jury further charges that on or about March 21, 2020, within the Eastern District of Tennessee, the defendant, BRAXTON E. GAITOR, contrary to 21 U.S.C. § 841(a)(1) and C.F.R. 6.1 attempted to provide JANMICHAEL VINCENT LINGO, an inmate at the Carter County Jail, a facility in which persons are held in custody by direction of and pursuant to a contract and agreement with the Attorney General, Buprenorphine, a Schedule III controlled substance and marijuana, a Schedule I controlled substance.

[18 U.S.C. §1791(a)(1)]

COUNT THIRTEEN

The Grand Jury further charges that on or about March 21, 2020, in the Eastern District of Tennessee, the defendant, JANMICHAEL VINCENT LINGO, an inmate of the Carter County Jail, a facility in which persons are held in custody by direction of and pursuant to a contract and agreement with the Attorney General, made an attempt to possess a prohibited object, to wit Buprenorphine, a Schedule III controlled substance, and marijuana, a Schedule I controlled substance.

[18 U.S.C. §1791(a)(2)]

COUNT FOURTEEN

The Grand Jury further charges that on or about April 6, 2020, within the Eastern District of Tennessee, the defendant, BRAXTON E. GAITOR, contrary to 21 U.S.C. § 841(a)(1) and C.F.R. 6.1 attempted to provide JANMICHAEL VINCENT LINGO, an inmate at the Carter County Jail, a facility in which persons are held in custody by direction of and pursuant to a contract and agreement with the Attorney General, Buprenorphine, a Schedule III controlled substance.

[18 U.S.C. §1791(a)(1)]

COUNT FIFTEEN

The Grand Jury further charges that on or about April 6, 2020, in the Eastern District of Tennessee the defendant, JANMICHAEL VINCENT LINGO, an inmate of the Carter County Jail, a facility in which persons are held in custody by direction of and pursuant to a contract and agreement with the Attorney General, made an attempt to possess a prohibited object, to wit Buprenorphine, a Schedule III controlled substance.

[18 U.S.C. §1791(a)(2)]

TRUE BILL:


FOREPERSON

J. DOUGLAS OVERBEY
United States Attorney

By:


ROBERT M. REEVES
Assistant U.S. Attorney